

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 16 June 2006. Responsive to the Office Action, Claim 1 has been amended for further prosecution with the other pending claims. With such amendment of claim, there is a further clarification of the pending claims recited. Claims 1-6 will be pending in the subject Patent Application upon entry of this Amendment.

In the Office Action, the Examiner rejected Claims 1, 3, and 6 under 35 U.S.C. § 103(a) as being unpatentable over Lai (U.S. Patent #6,323,841 hereinafter "Lai"). Additionally, the Examiner rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Lai in view of Wilson (U.S. Patent #5,540,235 hereinafter "Wilson") and Ohuchi (U.S. 2003/0092219 hereinafter "Ohuchi"). The Examiner also rejected Claims 4 - 5 as being unpatentable over Lai in view of Wilson and Mieda, et al. (U.S. 2004/0149051 hereinafter "Mieda").

Before discussing the references relied upon by the Examiner, it is believed beneficial to initially and briefly review the inventive concept of the structure as more clearly defined by the newly amended claims. The subject invention is directed to a computer cursor pointing device with an integrally formed electric stimulator substantially comprising: a casing having a top surface, a first 113 and second electrode 115 insulated from each other and integral with the top surface, and a stimulator circuit 126 connected to the two surface-mounted electrodes for providing stimulating signals to

the user's hand while simultaneously operating the mouse.

A serious problem associated with the prior art of computer input devices, such as mice, sought to be addressed with this new invention is that a user has to continuously operate the mouse when using a computer, potentially for long periods of time, and none of the commercially available products are appropriate for long-term use. This repeated and extensive use often causes aches to the hand, forearm or even the shoulder of the user which may contribute to high levels of stress, fatigue, lack of productivity, and even carpal tunnel syndrome.

Thus, by providing a computer cursor pointing device that includes an integral and simultaneously operable electric stimulator that does not require disassembly or cessation of input to the device to activate the pain relieving function, users are not forced to stop working to seek relief. Rather, the user is able to prevent pain, muscle strain and other such ailments through the integrated stimulator concurrently with the performance of work. Thus, users are more productive and less prone to injury and fatigue.

The examiner has rejected the originally filed claims 1, 3, and 6 under 35 U.S.C. § 103(a) as being unpatentable over Lai (U.S. Patent #6,323,841) reference. The Lai reference is directed to a Computer Mouse Having a Resilient Soft Pad With Massaging Function which does have a housing having a top surface and cavity therein.

However, the device of Lai deviates functionally from Applicant's claimed device. The massaging function of the Lai device is not able to be activated while a user is operating the mouse as is necessary to newly amended independent Claim 1 for the

purposes and objectives previously stated (prevention / reduction of fatigue and injury and enabling more lengthy work sessions with enhanced efficiency).

Rather, the Lai reference shows a massage element that must be separated from the mouse before being operable as recited throughout the reference: “[when connected]...the vibration power is broken off such that the massaging head will not vibrate even if being pressed...” [Col. 3, Line 4]. “When the rear and front parts are connected with each other, ... the massaging head ... will not vibrate.” [Abst].

Lai states that the massager must be disconnected for use: “When ... separated ... can be used as a massager.” [Abst.] “When dismounted ... it serves as a vibration massager.” [Col. 2, Line 55]. Thus, as is clearly disclosed, Lai teaches away from simultaneous use, and instead necessitates separation for operability of the massage head.

In opposition, the subject Patent Application, as in newly amended Claim 1, provides for a continuously and simultaneously functioning mouse with integral stimulator. In this manner, the stimulator is able to prevent problems before they occur as well as treat them contemporaneously while allowing the user to continue working. In the Lai reference, the user may only remedy pain or fatigue once encountered, requiring the user to stop working to seek treatment due to the massage function being disabled while integrated as a mouse.

Thus, the Lai reference does not provide for: “...said electric stimulator is simultaneously operable during use of the pointing device...,” as is necessary for amended independent Claim 1.

The full combination of these and other features now more clearly recited by Applicant's pending Claims are nowhere disclosed by the cited references. Given such contrary teachings of the primarily-cited Lai, et al. reference, the teachings of the secondarily-cited Wilson, Mieda, and Ohuchi references are believed to be quite ineffectual to the present patentability analysis. The Wilson reference was cited merely for its disclosure of a device with two electrodes that can perform electric stimulation but fails to remedy the deficiencies of the primarily cited Lai reference. Additionally, the other references were cited for disclosing isolated features but also fail to remedy the deficiencies of the Lai reference.

It is respectfully submitted, therefore, that the cited Lai, Wilson, Meida, et al., and Ohuchi, et al. references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application.

As Claims 2-6 all are ultimately dependent upon newly amended independent Claim 1, are believed to be patentably distinct for at least the same reasons as Independent Claim 1.

The references cited by the Examiner but not used in the rejection are believed to be further remote from the subject invention when patentability considerations are taken into account.

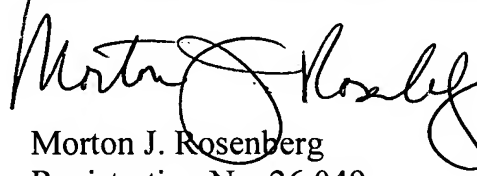
It is respectfully submitted that the subject Patent Application has been placed

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fully in condition for allowance, and such action is respectfully requested.

If there are any further fees necessary in this filing, the Director of Patents and Trademarks is hereby authorized to charge deposit account # 18-2011 for such additional charges.

Respectfully submitted,
FOR: ROSENBERG KLEIN & LEE

A handwritten signature in black ink, appearing to read "Morton J. Rosenberg", written over a horizontal line.

Morton J. Rosenberg
Registration No. 26,049

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3458 Ellicott Center Drive
Suite 101
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586